

REMARKS

Claim 30 was rejected as being obvious over Green in view of Bierma. It is recognized in the rejection that Green did not teach a cache memory being a non-volatile memory and that Green does not specifically identify the data being stored and pinned as initialization data.

The rejection states that it would have been obvious at the time the invention was made "to lock initialization data in the non-volatile cache since this data is always needed by the system and locking it in the cache would make it more readily accessible each time the system has to initialize, thus, speeding up the initialization process." If we suppose, hypothetically, this is true, the question is asked why does not the prior art teach this? The reason must be that no one thought of it. This seems to suggest that the claimed invention would be non-obvious, not obvious.

In other words, the reasoning of the rejection is entirely based on hindsight. It fails to set forth a *prima facie* rejection because it does not cite anything within the prior art to support the modification of the cited references. Instead, it simply asserts hindsight reasoning. Hindsight reasoning is reasoning based on the knowledge of the solution proposed in the present application. Nothing in the prior art suggests making the modification suggested only in the Applicants' claimed invention.

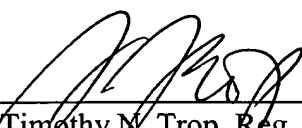
Thus, as a matter of law, a *prima facie* rejection is not made out.

The same arguments would apply to claim 7.

Since the error, with respect to claim 31, has been cured by canceling claim 31 and amending claim 32 to appropriately depend, the application should now be in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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